

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 713 and 1054, Fish and Game Code and to implement, interpret or make specific sections 713 and 1054 of said Code, proposes to amend Sections 105, 105.1, 106, 107, 110, 112, 116, 119, 120.2, 120.3, 120.6, 120.7, 122, 123, 124, 125, 126, 147, 149, 150, 150.02, 150.3, 150.05, 180.3, 180.15, 700.4, 705, and to add Section 700.3, Title 14, California Code of Regulations, relating to Identification Required for Licenses Issued in ALDS, Telephone Number Required for Sport Anglers, and Commercial Fishing Applications and Fees.

Informative Digest/Policy Statement Overview

The Department will begin implementing an Automated License Data System (ALDS) in August 2010. Existing regulations specify customer information that must be collected at the time a license is purchased. This proposal would require the first time a customer applies for a license or other entitlement in ALDS, to provide an acceptable form of identification to ensure that customers are uniquely identified.

Additionally, under this proposal anglers would be required to provide their telephone number before a sport fishing license could be issued. Collection of a telephone number will allow California to conform with a federal mandate for purposes of establishing a National Saltwater Angler Registry. This will relieve California anglers of paying an additional fee each year to the federal government.

Editorial relocation of Section 705 to 700.3 is proposed to group sections affecting ALDS consecutively in regulation.

This proposal would consolidate the fees and applications for commercial fishing permits specified in regulation into one section. This would streamline the process to adjust the fees as allowed under the Fish and Game Code.

Other administrative changes affecting commercial fishing permits are proposed to comply with the Fish and Game Code; this includes incorporating by reference permits and fees that have been required for specific commercial fisheries, but the permits and fees have not previously been referenced in Title 14. Other updates and minor editorial changes are also proposed to improve the clarity and consistency of the regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Sierra Room, Lake Natoma Inn 702 Gold Lake Drive, Folsom, California, on June 24, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 14, 2010 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on June 14, 2010. All oral**

comments must be received no later than June 24, 2010 at the hearing in Folsom, California. E-mail comments sent to any e-mail address other than FGC@fgc.ca.gov does not guarantee the comments' inclusion in the rulemaking package. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Ms. Maria Melchiorre, Fish and Game Commission, phone (916) 928-6881, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action specifies the identification required to purchase a license from the Department and adds the requirement that anglers must provide a telephone number to purchase a sport fishing license. These proposals are economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective, and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: April 27, 2010

John Carlson, Jr.
Executive Director